

Categorical Exclusion Determination

Bonneville Power Administration
Department of Energy



Proposed Action: Luckiamute Confluence Conservation Easement Acquisition and Stewardship Funding

Project No.: 2011-003-00; BPA-014690

Project Manager: Matt Schwartz – EWM-4

Location: Polk County, Oregon

Categorical Exclusion Applied (from 10 C.F.R. Part 1021): B1.25 Real property transfers for cultural resources protection, habitat preservation, and wildlife management

Description of the Proposed Action: Bonneville Power Administration (BPA) is proposing to reimburse the Greenbelt Land Trust for acquiring a property referred to as the Luckiamute Confluence, a riparian zone to the Little Luckiamute and Willamette Rivers. Luckiamute Confluence is a 103-acre parcel of land located about 6 miles north from Albany in Polk County, Oregon. Greenbelt Land Trust would continue to own the property and BPA would hold a conservation easement over it in exchange for providing funding to permanently protect, mitigate, and enhance fish and wildlife and their habitat. BPA would also provide stewardship funds to Greenbelt Land Trust.

This land purchase would specifically satisfy some of BPA's commitments made in the 2010 Willamette River Basin Memorandum of Agreement Regarding Wildlife Habitat Protection and Enhancement between the State of Oregon and the Bonneville Power Administration and the 2024 National Marine Fisheries Service Biological Opinion for the Continued Operation and Maintenance of the Willamette Valley System (2024 NMFS WVS BiOp). The property consists of flowing water, riparian, and floodplain habitat which supports Endangered Species Act (ESA)-listed species Chinook salmon (*Onchorhynchus tshawytscha*) and winter steelhead (*O. mykiss*) in addition to numerous Oregon Conservation Strategy (OCS) species. The Greenbelt Land Trust intends to perform habitat restoration on the property and would also transfer three surface water rights instream as part of the transaction. The Greenbelt Land Trust would develop a land management plan, including a recreation and habitat restoration plan, to guide the protection and enhancement of habitat and other resources on the property. The land management plan would be drafted within 18 months of closing; the plan would be reviewed by BPA for consistency with the conservation easement and the purpose of the acquisition. If BPA proposes to fund any additional activities on the property, further environmental review may be conducted.

Findings: In accordance with Section 1021.102 of the Department of Energy's (DOE) National Environmental Policy Act (NEPA) Regulations (57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36221-36243, Jul. 9, 1996; 61 FR 64608, Dec. 6, 1996; 76 FR 63764, Nov. 14, 2011; 89 FR 34074, April 30, 2024; 90 FR 29676, July 3, 2025 [Interim Final Rule]) and *DOE National Environmental Policy Act (NEPA), Implementing Procedures* (dated June 30, 2025), BPA has determined the following:

- 1) The proposed action fits within a class of actions listed in Appendix B of 10 CFR 1021;
- 2) The proposal has not been segmented to meet the definition of a categorical exclusion; and
- 3) There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal (see attached Environmental Evaluation).

Based on these determinations, BPA finds that the proposed action is categorically excluded from further NEPA review.¹

Israel Duran
Environmental Protection Specialist

Concur:

Katey C. Grange
NEPA Compliance Officer

Attachment(s): Environmental Evaluation

¹ BPA is aware that the Council on Environmental Quality (CEQ), on February 25, 2025, issued an interim final rule to remove its NEPA implementing regulations at 40 C.F.R. Parts 1500–1508. Based on CEQ guidance, and to promote completion of its NEPA review in a timely manner and without delay, in this CX BPA is voluntarily relying on the CEQ regulations, in addition to the interim final rule to revise DOE NEPA regulations implementing NEPA at 10 C.F.R. Part 1021 and NEPA Implementing Procedures (dated June 30, 2025), to meet its obligations under NEPA, 42 U.S.C. §§ 4321 *et seq.*

Categorical Exclusion Environmental Evaluation

This evaluation documents environmental considerations for the proposed project and explains why the project would not have the potential to cause significant impacts on environmentally sensitive resources and would meet other integral elements of the applied categorical exclusion.

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Project Site Description

The 103-acre Luckiamute Confluence property, located at the confluence of the Willamette and Little Luckiamute Rivers, is 6 miles north of Albany in Polk County, Oregon; is privately owned; and consists of aquatic, riparian, and floodplain habitat. Beginning in the 1930s the property was cleared for agricultural (hay, grain, pasturage and orchards) and residential purposes. The surrounding properties consist of agricultural land, rural residences, and undeveloped wooded land, and the property is immediately adjacent to the Oregon Park and Recreation Department's Luckiamute State Natural Area, located within the Luckiamute – Santiam – Willamette Conservation Opportunity Area. The property contains an unnamed creek and approximately 0.4 miles of both the Willamette and Little Luckiamute rivers for a total of 0.8 miles within designated critical habitat for ESA-listed Chinook and steelhead. The property also supports OCS species and other important species, including but not limited to Pacific lamprey (*Entosphenus tridentatus*), coastal cutthroat trout (*O. clarki clarki*), and western bluebird (*Sialia mexicana*).

Evaluation of Potential Impacts to Environmental Resources

1. Historic and Cultural Resources

Potential for Significance: No

Explanation: There would be no effect due to the reimbursement of funds and the creation of a conservation easement. To the extent that future activities on the property may have an effect, it is expected that the Greenbelt Land Trust would comply with all applicable laws and regulations.

2. Geology and Soils

Potential for Significance: No

Explanation: See explanation for #1 above.

3. Plants (including Federal/state special-status species and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

4. Wildlife (including Federal/state special-status species and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

5. Water Bodies, Floodplains, and Fish (including Federal/state special-status species, ESUs, and habitats)

Potential for Significance: No

Explanation: See explanation for #1 above.

6. Wetlands

Potential for Significance: No

Explanation: See explanation for #1 above.

7. Groundwater and Aquifers

Potential for Significance: No

Explanation: See explanation for #1 above.

8. Land Use and Specially-Designated Areas

Potential for Significance: No

Explanation: See explanation for #1 above.

9. Visual Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

10. Air Quality

Potential for Significance: No

Explanation: See explanation for #1 above.

11. Noise

Potential for Significance: No

Explanation: See explanation for #1 above.

12. Human Health and Safety

Potential for Significance: No

Explanation: See explanation for #1 above.

Evaluation of Other Integral Elements

The proposed project would also meet conditions that are integral elements of the categorical exclusion. The project would not:

Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders.

Explanation: N/A

Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators) that are not otherwise categorically excluded.

Explanation: N/A

Disturb hazardous substances, pollutants, contaminants, or CERCLA excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases.

Explanation: N/A

Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, the Environmental Protection Agency, and the National Institutes of Health.

Explanation: N/A

Landowner Notification, Involvement, or Coordination

Description: Notification letters may be sent to adjacent landowners and other interested parties at a minimum of 15 days before the closing date of the sale. Advertisements would also be posted in local newspapers, and information posted on BPA's public website prior to closing.

Based on the foregoing, this proposed project does not have the potential to cause significant impacts to any environmentally sensitive resource.

Signed:

Israel Duran, ECF-4
Environmental Protection Specialist